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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **FAHAD ALNOAH,**

12 Holder of License No. S015734
As a Pharmacist
13 In the State of Arizona

Board Case No. 09-0023-PHR

**CONSENT AGREEMENT
FOR PROBATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Fahad Alnoah ("Respondent"),
19 holder of Pharmacist License Number S015734 in the State of Arizona, and the Board
20 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
21 ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3554 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
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document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is disciplinary and is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20), -1927(A)(1).

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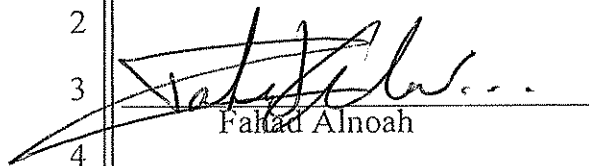
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1 ACCEPTED AND AGREED BY RESPONDENT

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Fahad Alnoah

Dated: February 12, 2009

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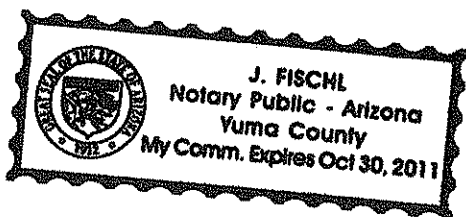
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Subscribed and sworn to before me in the County of Yuma, State of Arizona,
this 12 day of February, 2009, by Fahad Alnoah.

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NOTARY PUBLIC

My Commission expires: OCT. 30, 2011

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FINDINGS OF FACT

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1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Respondent is the holder of license number S015734 to practice as a pharmacist in the State of Arizona.
3. During all times relevant to these Findings, Respondent worked as a pharmacist at Walgreens Drug number 2219 in Yuma, Arizona ("Pharmacy").
4. In March 2008, the Pharmacy received a prescription that appeared to be for .100 mg Digoxin. The strength of .100 mg is not made.
5. Respondent instructed Pharmacy Technician Oyuki Uriarte to call and clarify the prescription with the prescriber. A pharmacy technician may not perform a function reserved for a pharmacist, graduate intern, or pharmacy intern in accordance with AAC R4-23-402 or R4-23-653. AAC R4-34-1104(C). A pharmacist, graduate intern, or pharmacy intern is required to check the prescription order date entry to ensure

that the data input communicates the prescriber's directions precisely by verifying the dose, dosage form, route of administration, dosing frequency, and quantity. AAC R4-23-402(A)(10)(c).

6. Pharmacy Technician Uriarte contacted the prescribing nurse practitioner, who instructed Pharmacy Technician Uriarte to give the patient 4 tablets of 0.25 mg Digoxin.

7. Still questioning the dosage, Respondent called the prescribing nurse practitioner back himself. Respondent confirmed that the patient was to receive 4 tablets of 0.25 mg Digoxin.

8. The patient received 120 tablets of Digoxin and took the prescription as directed. The patient then ordered a refill and took the medication again for 2 days. The patient was subsequently hospitalized as a result of her elevated Digoxin level.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1901 *et seq.*

2. The Board may discipline a pharmacist who has engaged in unprofessional conduct. A.R.S. § 32-1927(A)(1).

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or regulation relating to the manufacture or distribution of drugs and devices or the practice of pharmacy).

1 4. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1901.01(B)(10) (Violating a federal or state law or
3 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous
4 drugs, controlled substances or precursor chemicals when determined by the board or by
5 conviction in a federal or state court).

6 5. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1901.01(B)(19) (Violating or attempting to violate,
8 directly or indirectly, or assisting in or abetting in the violation of, or conspiring to
9 violate, the Board's statutes or rules).

10 6. The conduct described above violated Arizona Administrative Code R4-23-
11 402(A)(7) (In dispensing a prescription medication from a prescription order, a
12 pharmacist shall interpret the prescription order, which includes exercising professional
13 judgment in determining whether to dispense a particular prescription).

14 **ORDER**

15 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
16 ORDERED THAT:

17 1. Respondent's pharmacist's license number S015734 is placed on
18 PROBATION for a 120-day period beginning on the effective date of this Order. During
19 the term of probation Respondent shall:

- 20 a. Pay a civil penalty of \$2,000.00; and
21 b. Respondent shall successfully take and pass the NAPLEX
22 examination. Respondent must promptly supply proof of successful
23 completion of the NAPLEX examination to the Board.

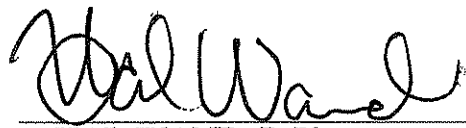
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2. Upon payment of the civil penalty required under 1(a) above and presentation of proof of successful completion of the NAPLEX examination required under 1(b) above, Respondent's probation shall terminate.

DATED this 19th day of MARCH, 2009.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
HAL WAND, R.Ph.
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this 19 day of March 2009, with:

2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 19 day of March 2009, to:

6 Fahad Alnoah
7 2231 S. Elks Lane #74
8 Yuma, Arizona 85364
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 19 day of March 2009, to:

10 Roger N. Morris
11 Quarles & Brady, LLP
12 One Renaissance Square, Two N. Central Ave.
Phoenix, Arizona 85004

13 Elizabeth A. Campbell
14 Assistant Attorney General
15 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona

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